

AMENDED IN ASSEMBLY APRIL 8, 2013

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 689

Introduced by Assembly Member Bonta

February 21, 2013

An act to add Section ~~1250.12~~ *120392.10* to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 689, as amended, Bonta. Health facilities: influenza.

Under existing law, the State Department of Public Health licenses and regulates various types of health facilities, including general acute care hospitals. ~~A violation of these provisions is a crime, as specified.~~

Existing law requires a general acute care hospital to offer, each year, commencing October 1 to the following April 1, inclusive, prior to discharge, immunizations for influenza and pneumococcal disease to inpatients, 65 years of age or older, based upon the adult immunization recommendations of the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention, and the recommendations of appropriate entities for the prevention, detection, and control of influenza outbreaks in California general acute care hospitals, pursuant to the hospital's standardized procedures and if the hospital has the vaccine in its possession.

This bill would require each general acute care hospital *to offer onsite vaccinations for influenza to all inpatients prior to discharge, annually, beginning no later than October 1 and ending on the following April 1, except when there is a* ~~national~~ *state* vaccine shortage or when a

physician does not recommend that the patient receive an influenza vaccine due to potential health hazards, ~~to offer onsite vaccinations for influenza to all patients at discharge~~, pursuant to the *standardized* procedures of the hospital and in accordance with the recommendations of the Advisory Committee on Immunization Practices of the *federal* Centers for Disease Control and Prevention of the United States Department of Health and Human Services, ~~as the recommendations exist and are annually updated, if applicable, on January 1 of the year in which the vaccine is offered specified.~~ *The bill would also require a general acute care hospital that offers vaccinations pursuant to this provision to inform each inpatient that he or she may be required to pay for the cost of the vaccination.*

~~Because the bill would create a new crime, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~1250.12~~ *120392.10* is added to the Health
2 and Safety Code, to read:
3 ~~1250.12. In order to prevent, detect, and control influenza~~
4 ~~outbreaks~~
5 *120392.10. (a) Pursuant to its standardized procedures and*
6 *if it has the vaccine in its possession*, each general acute care
7 hospital, *as defined in subdivision (a) of Section 1250*, shall
8 annually, beginning no later than October 1 and ending on the
9 following April 1, except when there is a ~~national~~ *state* vaccine
10 shortage or when a physician does not recommend that the patient
11 receive an influenza vaccine due to potential health hazards, offer
12 *prior to discharge* onsite vaccinations for influenza to all ~~patients at~~
13 ~~discharge, pursuant to the procedures of the facility and inpatients~~
14 in accordance with the recommendations of the Advisory
15 Committee on Immunization Practices of the Centers for Disease
16 Control and Prevention of the United States Department of Health

1 and Human Services, *and the recommendations of appropriate*
2 *entities for the prevention, detection, and control of influenza*
3 *outbreaks in California general acute care hospitals* as the
4 recommendations exist and are annually updated, if applicable, on
5 January 1 of the year in which the vaccine is offered. Nothing in
6 this section shall be construed to require a hospital to cover the
7 cost of a vaccination provided pursuant to this section.

8 (b) *A general acute care hospital that offers vaccinations*
9 *pursuant to subdivision (a) shall inform each inpatient that he or*
10 *she may be required to pay for the cost of the vaccination.*

11 SEC. 2. ~~No reimbursement is required by this act pursuant to~~
12 ~~Section 6 of Article XIII B of the California Constitution because~~
13 ~~the only costs that may be incurred by a local agency or school~~
14 ~~district will be incurred because this act creates a new crime or~~
15 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
16 ~~for a crime or infraction, within the meaning of Section 17556 of~~
17 ~~the Government Code, or changes the definition of a crime within~~
18 ~~the meaning of Section 6 of Article XIII B of the California~~
19 ~~Constitution.~~